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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,283	08/07/2001	John Friend	05545P003	6146

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Thomas C. Webster
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,283

Applicant(s)

FRIEND ET AL.

Examiner

David Lazaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-23, 25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-23, 25 and 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/28/02, 12/16/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed 6/10/05.
2. Claims 1-4, 6-8, 19-23 and 25 were amended:
3. Claims 5, 9-18, 24 and 26 are cancelled.
4. Claims 27-30 were added.
5. Claims 1-4, 6-8, 9-23, 25 and 27-30 are pending in this office action.

Response to Amendment

6. Applicant's arguments filed 06/10/05 have been fully considered but they are not persuasive. See Response to Arguments.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Information Disclosure Statement

8. The information disclosure statements (IDS) received on 6/28/02 and 12/16/02 have been considered by the examiner.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 2, 4, 8, 19-21, 23, 25, 27, 28 and 30 are rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Patent 6,671,757 by Multer et al. (Multer).

11. With respect to Claim 1, Multer teaches a method comprising:

modifying a first electronic mail (e-mail) message (Col. 5 lines 22-48 and Col. 11 lines 7-22) at a wireless device (Col. 5 lines 11-30 and Col. 1 lines 23-35):

generating a first message transaction update indicating a modification to the first e-mail (Col. 11 lines 7-22);

modifying a second e-mail message (Col. 5 lines 22-48 and Col. 11 lines 7-22) at the wireless device (Col. 5 lines 11-30 and Col. 1 lines 23-35):

generating a second message transaction update indicating a modification to the second e-mail (Col. 11 lines 7-22);

detecting whether one or more of transaction conditions have occurred (Col. 11 lines 7-22 and Col. 12 lines 18-46 and Col. 35 lines 12-22);

combining the first message transaction update and the second message transaction update into a batch transaction update if the one or more of message transactions have occurred and based on a set of batch processing parameters (Col. 12 lines 18-46, Col. 13 lines 6-17, and Col. 35 lines 12-22); and

wirelessly transmitting the batch transaction update to a server (Col. 12 lines 18-42).

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12. With respect to Claim 2, Multer teaches all the limitations of Claim 1 and further teaches the message transaction conditions is a length of time during which no message transactions are initiated at the wireless device (Col. 35 lines 12-22).

13. With respect to Claim 4, Multer teaches all the limitations of Claim 1 and further teaches the message transaction conditions is manual update selection by a user (Col. 35 lines 12-22).

14. With respect to Claim 8, Multer teaches all the limitations of Claim 1 and further teaches one of the message transaction updates comprise a deletion of an email message (Col. 26 lines 53-55 and Col. 11 line 18-22).

15. With respect to Claim 19, Multer teaches a wireless device comprising:
control logic to modify a first electronic mail (e-mail) message (Col. 5 lines 22-48 and Col. 11 lines 7-22), generate a first message transaction update indicating a modification to the first e-mail (Col. 11 lines 7-22), modify a second e-mail message (Col. 5 lines 22-48 and Col. 11 lines 7-22), generate a second message transaction update indicating a modification to the second e-mail (Col. 11 lines 7-22), and to initiate synchronization with a server (Col. 35 lines 12-22);

message transaction detection logic to detect whether one or more of message transaction conditions have occurred (Col. 35 lines 12-22); and

batch processing logic to combine the first message transaction update and the second message transaction update into a batch transaction update, the combining based on one or more batch processing parameters (Col. 12 lines 18-46, Col. 13 lines 6-17, and Col. 35 lines 12-22).

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16. With respect to Claim 20, Multer teaches all the limitations of Claim 19 and further teaches wherein one of the message transaction conditions is a predetermined length of time during which synchronization updates between the wireless device and the server are not performed (Col. 35 lines 12-22).

17. With respect to Claim 21, Multer teaches all the limitations of Claim 19 and further teaches wherein one of the message transaction conditions comprises manual update selection by a user (Col. 35 lines 12-22).

18. With respect to Claim 23, Multer teaches all the limitations of Claim 19 and further teaches standard message processing logic to determine whether one or more standard message processing conditions met (Col. 35 lines 49-65).

19. With respect to Claim 25, Mutler teaches all the limitations of Claim 19 and further teaches wherein one of the message transaction updates comprises a deletion of an email message (Col. 26 lines 53-55 and Col. 11 line 18-22).

With respect to Claim 27, Multer teaches a machine-readable medium having stored thereon data representing sets of instructions, the sets of instructions which, when executed by a machine, cause the machine to:

modify a first electronic mail (e-mail) message (Col. 5 lines 22-48 and Col. 11 lines 7-22) at a wireless device (Col. 5 lines 11-30 and Col. 1 lines 23-35):

generate a first message transaction update indicating a modification to the first e-mail (Col. 11 lines 7-22);

modify a second e-mail message (Col. 5 lines 22-48 and Col. 11 lines 7-22) at the wireless device (Col. 5 lines 11-30 and Col. 1 lines 23-35):

generate a second message transaction update indicating a modification to the second e-mail (Col. 11 lines 7-22);

detect combining the first message transaction update and the second message transaction update into a batch transaction update if the one or more of message transactions have occurred and based on a set of batch processing parameters (Col. 12 lines 18-46, Col. 13 lines 6-17, and Col. 35 lines 12-22); and wirelessly transmit the batch transaction update to a server (Col. 12 lines 18-42).

20. With respect to Claim 28, Multer teaches all the limitations of Claim 27 and further teaches the message transaction conditions is a length of time during which no message transactions are initiated at the wireless device (Col. 35 lines 12-22).

21. With respect to Claim 30, Multer teaches all the limitations of Claim 27 and further teaches the message transaction conditions is manual update selection by a user (Col. 35 lines 12-22).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 3, 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of U.S. Patent 6,675,203 by Herrod et al. (Herrod).

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24. With respect to Claim 3, Multer teaches all the limitations of Claim 1 and further teaches message transaction conditions related to a length of time (Col. 35 lines 12-22).

Multer does not explicitly disclose conditions where the wireless device is out of range. Herrod teaches message transaction conditions related to a period of time a wireless device is out of range (Col. 7 lines 22-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Multer and modify it as indicated by Herrod such that the method further comprises wherein one of the message transaction conditions is a length of time that the wireless device is out of range. One would be motivated to have this, as there is need for preventing loss of data as well as keeping data "fresh" (In Herrod: Col. 3 line 20 - Col. 4 line 22).

25. With respect to Claim 22, Multer teaches all the limitations of Claim 19 and further teaches message transaction conditions related to a length of time (Col. 35 lines 12-22).

Multer does not explicitly disclose conditions where the wireless device is out of range. Herrod teaches message transaction conditions related to a period of time a wireless device is out of range (Col. 7 lines 22-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the device disclosed by Multer and modify it as indicated by Herrod such that the device further comprises wherein one of the message transaction conditions comprises the wireless device being out of range from the server for a predetermined period of time. One would be motivated to have this, as there is need for

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preventing loss of data as well as keeping data "fresh" (In Herrod: Col. 3 line 20 - Col. 4 line 22).

26. With respect to Claim 29, Multer teaches all the limitations of Claim 27 and further teaches message transaction conditions related to a length of time (Col. 35 lines 12-22).

Multer does not explicitly disclose conditions where the wireless device is out of range. Herrod teaches message transaction conditions related to a period of time a wireless device is out of range (Col. 7 lines 22-36).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the medium disclosed by Multer and modify it as indicated by Herrod such that the medium further comprises wherein one of the message transaction conditions is a length of time that the wireless device is out of range. One would be motivated to have this, as there is need for preventing loss of data as well as keeping data "fresh" (In Herrod: Col. 3 line 20 - Col. 4 line 22).

28. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Multer in view of U.S. Patent 6,188,695 by Przybysz (Przybysz).

29. With respect to Claim 6, Multer teaches all the limitations of Claim 1 but does not explicitly disclose wherein one of the batch processing parameters comprises transmitting the batch transaction update after a predetermined number of message transaction updates have accrued. Przybysz teaches a batch processing parameter

that comprises transmitting the batch transaction update after a predetermined number of message transaction updates have accrued (Col. 4 lines 51-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Multer and modify it as indicated by Przybysz such that the method further comprises wherein one of the batch processing parameters comprises transmitting the batch transaction update after a predetermined number of message transaction updates have accrued. One would be motivated to have this, as it provides for a fast, efficient and convenient manner of performing data updates (In Przybysz: Col. 3 lines 3-6).

30. With respect to Claim 7, Multer teaches all the limitations of Claim 1 but does not explicitly disclose wherein one of the batch processing parameters comprises transmitting the batch transaction update after the batch transaction update reaches a predetermined size. Przybysz teaches a batch processing parameter that comprises transmitting the batch transaction update after the batch transaction update reaches a predetermined size (Col. 4 lines 51-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Multer and modify it as indicated by Przybysz such that the method further comprises wherein one of the batch processing parameters comprises transmitting the batch transaction update after the batch transaction update reaches a predetermined size. One would be motivated to have this, as it provides for a fast, efficient and convenient manner of performing data updates (In Przybysz: Col. 3 lines 3-6).

Response to Arguments

31. Applicant's arguments filed 6/10/05 have been fully considered but they are not persuasive.

32. Applicants argue - *"Claim 1 of the present application recites combining a first message transaction update and a second message transaction update into a batch transaction update if the one or more of message transactions have occurred and based on a set of batch processing parameters. Applicants submit that Multer does not disclose of reasonably suggest such a feature."*

a. The "change log" and subsequent data package of Multer (Col. 12 lines 17-29 and Col. 11 lines 7-22) can be reasonably interpreted as the "batch transaction update". Changes to information such as e-mail data (Col. 12 lines 17-29) reflected by the "change log" are formulated into a data package (message transactions updates are combined) based on the functionality of the delta module (based on batch processing parameters) (Col. 12 lines 17-40).

The examiner considers this to be within the scope of the claimed subject matter, as claims are to be given their broadest reasonable interpretation (MPEP 2111).

b. Furthermore, Applicants fail to give sufficient reasoning and explanation as to how the claimed subject matter is distinguished over the prior art. Applicants' arguments are generally conclusive statements and are not persuasive.

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


35. U.S. Patent 6,052,735 by Ulrich et al. "Electronic Mail Object Synchronization Between a Desktop Computer and Mobile Device" April 18, 2000.


36. U.S. Patent 6,640,244 by Bowman-Amuah "Request Batchter in a Transaction Services Patterns Environment" October 28, 2003. Discloses the batching logically related requests and the benefits thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Lazaro
August 30, 2005


SALEH NAJJAR
PRIMARY EXAMINER